

### Remarks

This paper represents Applicants' first opportunity to address the newly applied rejections set forth in the final Office Action. Claims 1-3, 5, 6, 8-10, 12, 13, 15-17 & 20 remain pending.

Applicants' independent claims 1, 8 & 15 recite, in one aspect, an automated scoring mechanism which automatically counts a number of responses in *required fields* of a question set of the multiple question sets and *scores the question set against the total number of required fields* in the question set to produce an indication of strength of responses for the question set. This strength and responses indication represents the strength of analysis of the respective root cause of trouble. Cited against this aspect of Applicants' invention is Miller, and in particular, paragraph [0247] of Miller. This citation is respectfully traversed.

Paragraph [0247] of Miller teaches:

[0247] k. Automatic scoring of the qualifying questions are done once the test is completed and submitted. The scores are posed on the application and sent to the directed administrator. Scoring shows the number of correct answers and a percentage correct for the category and an additional score showing an overall score for all questions included in the test. An option can be selected to allow test participant to see his or her score.

Applicants respectfully submit that the above-noted description of Miller does not teach or suggest an automated scoring mechanism which automatically counts the number of responses in required fields of a question set and scores the question set against a total number of required fields in the question set. There is no discussion in Miller of *required fields* of a question set. Further, there is no discussion in Miller of using the number of responses in such *required fields* compared against the total number of required fields in the question set. In accordance with Applicants' invention, designation of certain fields in a question set as being *required fields*, implies that other fields of the question set are of less significance. It is only the number of responses in the *required fields* which are used to produce the indication of the strength of the responses for the question set by comparing the total number of responses in such required fields against the total number of required fields in the question set. Applicants' automated scoring mechanism is not simply counting the number of responses to any question in the question set compared against all questions in the question set, but rather, is evaluating responses to certain types of fields, designated as "required fields" in Applicants' automated scoring approach.

In addition, Applicants' recited indication of strength of responses for the question set represents the strength of analysis of the respective root cause of trouble. Again, the strength of analysis is derived from the automated evaluation of the number of responses in the *required fields* of the question set. A careful reading of the Whitacre and Miller documents fails to uncover any teaching or suggestion of such an approach for indicating strength of analysis of the respective root cause of trouble. In this regard, Applicants note that the discussion at page 6 of the final Office Action does not address the *required fields* aspect of Applicants' automated scoring mechanism. Further, Applicants respectfully object to the Official Notice taken at page 6, to any extent deemed applicable to Applicants' automated scoring mechanism which processes the number of responses in *required fields* of the question set.

In addition, Applicants' independent claims 1, 8 & 15 recite protocol for assessing a product development effort which includes identifying multiple possible root causes of trouble for the product development effort. The final Office Action recognizes at page 4 that Whitacre does not teach assessing a product development effort. Applicants agree. However, the final Office Action then concludes that this aspect of Applicants' invention is non-functional descriptive material that should not be given patentable weight. This conclusion is respectfully traversed.

In Applicants' invention, there is positive functional recitations that relate to Applicants' protocol for identifying multiple possible root causes of trouble for the product development effort. Specifically, Applicants specify in their independent claims *identifying specific project role(s) to provide responses to questions of the question set*. Since Applicants are troubleshooting a product development effort, it is necessary to identify the specific project roles for providing the best responses to questions of the question set. Thus, the protocol recited explicitly sets forth processing directed to Applicants' assessment of the product development effort, in order to identify root causes of trouble within such an effort. As such, Applicants respectfully submit that the particular protocol set forth is not mere labeling of data, but rather, is tied expressly to the processing steps recited.


Further, and as noted, Applicants' independent claims recite *identifying specific project role(s)* to provide responses to questions of the question set. This identifying is performed for each question set of the multiple question sets identified for diagnosing the multiple possible root causes of trouble. Cited against this aspect of Applicants' invention are pages 67 & 68 of the Whitacre provisional application, wherein questions directed to evaluating a team member are provided. This evaluation of a team member does not equate to Applicants' recited protocol of *identifying specific project role(s)* to provide responses to the questions of the question set created to diagnose a respective root cause of trouble. This is because, in part, Applicants' recited invention is for diagnosing possible root causes of trouble of a product development effort, wherein Whitacre is identifying causes related to employees not achieving performance goals. Because of these differences, there would be no need in Whitacre for identifying specific project role(s) to provide responses to questions of a question set for a particular root cause of trouble.

For at least the above-noted reasons, Applicants respectfully submit that the independent claims presented herewith patentably distinguish over the applied and known art.

The dependent claims are believed allowable for the same reasons as the independent claims, as well as for their own additional characterizations.

*Should any issue remain unresolved, Applicants' undersigned representative requests a telephone interview with the Examiner to further discuss the matter in the hope of advancing prosecution of the subject application.*

Respectfully submitted,

  
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